

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

LORETTA B. MORTISE,

Plaintiff,

-against-

6:08-CV-0990 (LEK/VEB)

MICHAEL J. ASTRUE, *Commissioner  
of Social Security*,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on April 26, 2010, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 19).

Within fourteen days after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

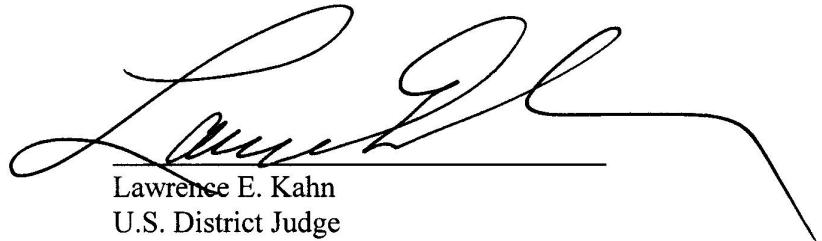
**ORDERED**, that the Report-Recommendation (Dkt. No. 19) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further  
**ORDERED**, that the Commissioner's decision denying disability benefits is **REMANDED**

for the calculation of benefits in accordance with Judge Bianchini's Report-Recommendation (Dkt. No. 19) and pursuant to sentence four of 42 U.S.C. Section 405(g); and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: May 13, 2010  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge